

the year so that the Government can spend as much money as they want.

President.—Supposing you do not sanction.

Mr. A. B. SALEM.

They have already spent. What is to be done? At least we can discuss if it comes early.

Dr. A. G. MENON.

This may be brought to-morrow.

President.—It is not so urgent a matter.

RAO SAHIB T. V. KASTURI RANGA AYYAR.

They cannot disperse the temporary staff.

Mr. P. DAMODARA MENON.

The period expired on the 15th Vrischigam. Only the pay has not been disbursed. On the 1st of next month we have to disburse it, as they have worked and earned their pay.

President.—Mr. Salem's argument will hold good.

Mr. A. B. SALEM.

Already spent. I anticipated.

President.—We have no time to refer to the Finance Committee, to-day or to-morrow. We shall make arrangements before the meetings come to a close.

The Cochin Electricity Bill.

President.—The next business is to resume the consideration of the Cochin Electricity Bill, section 58. It was moved by the member for Cranganur that clause 2 of section 58 should be omitted, and that motion was seconded by Mr. A. Sankara Puduval. It was opposed by Mr. Aravindaksha Menon. We have to consider this motion further.

Mr. A. B. SALEM.

As it stands, there is no meaning. It only gives power to the Government. Government always has the power. This additional power is sought by the Government to authorise a particular individual to acquire land. That would be a very serious matter.

President.—How can he acquire otherwise?

Mr. C. ACHYUTA MENON.

You may direct him to acquire.

Mr. A. B. SALEM.

I would ask the Government how such and such a man can acquire, unless the licensee is performing the functions of the Diwan Peishkar under the Land Acquisition Regulation. The land may be acquired for him.

President.—So that you have to put some other suitable word for that.

Mr. A. B. SALEM.

I want to know what the intention of the mover of the Bill is. Government can acquire lands.

President.—On a question of principle, will it be right, Mr. Salem?

Mr. C. ACHYUTA MENON.

We may have "such lands as will be acquired for him under the Land Acquisition Regulation."

Mr. A. B. SALEM.

Then, that will be clear.

Mr. C. ACHYUTA MENON.

Such lands may be acquired for him. So that, he must pay the compensation.

RAO SAHIB T. V. KASTURI RANGA AYYAR.

If you would substitute "such lands may be acquired for him under the Land Acquisition Regulation", it will be all right.

Mr. A. B. SALEM.

I am only asking the meaning to know whether I should support the motion or not.

President.—I wanted to know whether you have understood it or not.

Mr. A. B. SALEM.

If that is the intention of the mover of the motion, I can do that only after understanding whether the clause has to be deleted. The motion now before the House is to completely delete clause 2 of section 58 and not to change it.

President.—Of course, all along we were under the impression that the acquisition is made by the Government on behalf of the licensee.

Mr. A. B. SALEM.

That was my impression

Mr. K. ACHYUTA MENON.

Section 58, clause 2:—

“The Government may, if it thinks fit, on the application of any person, not being a company, desirous of obtaining any land for the purposes of his undertaking, direct that he may acquire such lands under the provisions of the Land Acquisition Regulation in the same manner and under the same conditions as it might be acquired if the person were a company”.

“He may acquire” means “He will be allowed to acquire”.

RAO SAHIB T. V. KASTURI RANGA AYYAR.

That word may be made clear.

Mr. C. ACHYUTA MENON

Of course, there are cases in which Municipalities have been authorised to acquire lands.

RAO SAHIB T. V. KASTURI RANGA AYYAR.

They may ask for acquisition. Acquisition is entrusted to the Diwan Peishkar.

Mr. A. SANKARA PUDUVAL.

There is no harm in making it clear.

Mr. C. ACHYUTA MENON.

But it will be on the safe side, if we use the legal phraseology.

President.—“May be acquired for him”. Is that so?

Mr. K. ACHYUTA MENON.

Government may acquire for the person. On the other hand I would suggest “At the expense of the person”, or it would mean “At the expense of the Government”.

RAO SAHIB T. V. KASTURI RANGA AYYAR.

“For him at his expense or at his cost”.

Mr. K. ACHYUTA MENON.

“At his cost”. That is my suggestion. This will make it clear. “At his cost” is not necessary. The company has to pay.

Mr. V. K. KOCHUNNI MENON.

Section 37, Companies' Act:—“Subject to the Act, any officer of the company may exercise the powers of the Peishkar.” Somehow or other section 3 is omitted.

President.—Now, you may make up your minds as to whether you should oppose or support Mr. N. Padmanabha

Menon. Instead of "such lands may be acquired", we put "Government may acquire for him".

Mr. K. ACHYUTA MENON.

"Under the provisions of the Land Acquisition Regulation". That will make everything clear.

President.—Are you able to follow me? Here it is. "The Government may direct that he may acquire such lands". Your objection is to the individual acquiring the land. In order that there may not be any doubt on the matter, it is proposed to amend it in this way. Instead of "He may acquire such lands", we propose to put "such lands may be acquired for him".

Mr. C. ACHYUTA MENON.

"By the Government" is not necessary.

RAO SAHIB T. V. KASTURI RANGA AYYAR.

It occurs previously "That such lands may be acquired for him under the Land Acquisition Regulation".

Mr. A. B. SALEM.

In that case, five words are necessary between the words "that" and "under". The words "may be acquired for him", may be inserted between the words "that" and "under".

President.—Now, you have understood the point.

Mr. O. R. CHUMMAR.

If the clause begins like this, there is a grammatical error. "He may acquire" is not deleted.

President.—The three words "He may acquire" may be deleted.

RAO SAHIB T. V. KASTURI RANGA AYYAR.

Generally, Government always direct land acquisition. Government do not acquire. In legal phrasæology, Government has to take acquisition proceedings. Under the Regulation, the Peishkar is appointed to represent Government.

Mr. K. ACHYUTA MENON.

I also think that this cannot be deleted at all.

President.—Any other member wishing to speak?

Mr. V. K. KOCHUNNI MENON.

I also think that the clause should not be deleted. The Regulation clearly shows that it is intended for public purposes.

Without acquiring lands, I do not know how those purposes can be carried out. It is not a case in which even a misapplication of the rules can be done. There are cases of companies over which the public has a right. There is no doubt at all that the Government has power to assume land, and nobody questions Government's right. It is only the case of private companies that is open to question here. The public is entitled to specific rights and privileges. I think it proper not to delete the words.

Mr. A. B. SALEM.

I oppose the deletion of the clause as it is a very necessary clause.

President.— You can reply, Mr. Padmanabha Menon.

Mr. N. PADMANABHA MENON.

I don't reply.

The President put to votes the motion for deleting the clause. It was lost.

Mr. A. B. SALEM.

Sir, I rise to move an important amendment to that section. I wish the words "Provided the licensee, whether a company or a person, is a *bona fide* Cochinite" be inserted.

President.— That is in clause 2?

Mr. A. B. SALEM.

Provided the applicant, whether the licensee, or the company, is a *bona fide* Cochinite.

RAO SAHIB T. V. KASTURI RANGA AYYAR.

The acquisition is provided for under the Land Acquisition Rules. This was extended to the case of persons as well as companies.

President.— Suppose a company should start this electric installation.

Mr. A. B. SALEM.

It should not be.

President.— Whether it be a person or a company. You want to take in both person and company. That comes at the last.

Mr. A. B. SALEM.

At the last

President.— Mr. Salem's point is that he does not want an outsider.

Mr. C. ACHYUTA MENON.

The word "Cochinite" in the Regulation means a born or domiciled Cochin Subject.

RAO SAHIB T. V. KASTURI RANGA AYYAR.

Yes. A domiciled subject of His Highness the Maharaja of Cochin.

President.— Do you wish to speak on the amendment?

Mr. A. B. SALEM.

My object, Sir, in proposing the amendment is to make it clear to the House that electricity will become a necessity almost in the near future. As science advances in the world and as Cochin advances, electricity will form one of the means into which a lot of money will flow. Now, Sir, we have been perusing in the Press diverse statements to the effect that much money goes out of the country. My love of the Empire is great; and it is, therefore, that I say that every component part of the Empire, or even all those part of the countries that are within the sway of that Empire, should prosper, and the prosperity of the Empire would depend upon the prosperity of each of those units. If one unit is impoverished, to that extent the prosperity of the Empire will also diminish. It would not do to make one part of the Empire rich and the other part poor.

Now, Sir, if we do not answer to the calls here, the effect will be, the more advanced parts of the Empire would come in here and request for licenses to put electricity here, and licenses would be granted to them, with the result that the money we pay for electricity would flow out. What I wish the House particularly to look to is to keep as much of our money as possible, when we are going in for this electric power and energy, within the country itself. It may be that we have not advanced to-day to handle these things. It will be time for us to-morrow when our young men have come back with the knowledge of electricity and the knowledge of handling this science. If we part away with these at present, and allow others to come in advance of our future qualified men upon this land, what will happen? When we invite them to put their capital here, to say "clear out" would be almost impossible even to conceive of. Doing so would not be for the benefit of the country itself. It may be we cannot get electricity to-morrow. But we may get it in the course of one or two years. May be our people will not be able to invest capital immediately. But they will do so when

they understand its use. There are applicants from outside willing and ready to handle the scheme, and there are men of capacity in Mattancheri. I want to prevent exploitation taking place and to guard against it. Licenses should not be given to anybody except a Cochinite. Cochin is a very small area, very thickly populated, with the result that we have not got enough opportunities of work for our unemployed. You will understand from my unemployment questions, that out of 2,400 applicants only 574 educated men have been employed. How are we to absorb these young men except in these electrical works and other industries that are springing up? It is into these fields that the educated young men should flow, and their attention should be diverted towards such fields as the electrical works of the country, and there they should find employment. This is my reason, Sir, for asking this amendment in this Regulation, and I hope that further advances will not prevent us from handling these things. With these few words, I commend the amendment to the acceptance of the House.

President.—You want to shut out the outsiders, that is, persons who are not born or domiciled subjects of His Highness the Maharaja. Then this amendment may not be necessary.

Mr. A. B. SALEM.

I shall move my further amendment at once.

Mr. M. K. RAMAN.

Even as the amendment stands, we refer to individuals and not companies. There is no objection in this clause being considered.

Mr. A. SANKARA PUDUVAL.

The amendment last mentioned cannot be moved now according to the rules.

Mr. C. A. OUSEPH.

It can be qualified. The applicant cannot be anybody other than a Cochin subject.

RAO SAHIB T. V. KASTURI RANGA AYYAR.

I think Mr. Salem's point will be achieved by keeping that object in view. That is from an administrative point of view.

President.—It may have just the opposite effect.

RAO SAHIB T. V. KASTURI RANGA AYYAR.

There will be retaliatory legislation.

Mr. C. ACHYUTA MENON.

Before making any remarks on the subject, may I ask whether the amendment has been seconded?

Mr. C. A. OUSEPH.

It is our object here, in this part of the House, to make as clear as crystal. We do not want these things to be everything exploited by any foreign person however great.

President.—But if there is a clear expression of opinion, will it not suffice? We want that fact to be emphasised in this connection.

Mr. A. B. SALEM.

We would rather throw away the Electricity Regulation. That is my view of the matter. This will enable us to be expedient. To-morrow any electric company, any man of power, any man of capital, can take away the whole contract for supplying electricity throughout the whole State. Our property will be depleted to that extent, and it will be a drain on our money. That will be the result. We will have plenty of comfort, no doubt.

Mr. S. F. NUNEZ.

"No comfort, no poverty."

Mr. C. ACHYUTA MENON.

But the Americans may offer cheap terms.

Mr. S. F. NUNEZ.

Cheap to whom? Cheap to the producer but not to the consumer.

Mr. A. B. SALEM.

There are people who look at it from that point of view.

President.—With reference to the amendment, the application will refer only to a person.

RAO SAHIB T. V. KASTURI RANGA AYYAR.

That section does not deal with licensees.

President.—He wants to be clear. I leave it to the Hon'ble Law Member to suggest a *via media*. The suggestion is before the House to prevent foreign electricians from coming here and exploiting us in the best manner that is possible. The Government Advocate is here, and we can frame the rule in such a manner as he thinks fit.

Mr. M. K. RAMAN.

I think that some purpose can be served by it, if an individual applies to the Government. Only a Cochinite can apply, and that only for land acquisition.

President.—But Mr. Salem's principal point is that outsiders should not be admitted.

Mr. M. K. RAMAN.

I don't think that purpose can be achieved by any amendment. The amendment is not premature. The mover of the motion could have as well brought an amendment to the Bill itself.

RAO SAHIB T. V. KASTURI RANGA AYYAR.

There is nothing permanently fixed in these things. That can be done by amendment of section 3 only.

Mr. C. ACHYUTA MENON.

An understanding to that effect is all that is desirable. It is very prejudicial to put everything in black and white. Cochinites cannot have any licenses in the world. Cochin is the most thickly populated part of India, and if we are going to shut out the rest of India, we will also be shut out by them.

President.—Do you want the amendment to be put to votes? It has not been seconded.

Mr. N. PADMANABHA MENON.

I second it.

President.—Now, what is Mr. Salem's amendment?

Mr. A. B. SALEM.

I will put it this way. "Provided he is a born or domiciled subject of H. H. the Maharaja of Cochin."

Mr. C. ACHYUTA MENON.

If it does not suit, we shall have another amendment to the clause.

Mr. S. F. NUNEZ.

I should like to know whether there are such restrictions in other States. Otherwise, there is no necessity for this. I should like to know whether we are going to be benefited by that.

Mr. A. B. SALEM.

There are such enactments in every country where electricity exists.

Mr. S. F. NUNEZ.

Can you cite particular instances?

Mr. A. B. SALEM.

In Germany, for instance.

Mr. S. F. NUNEZ.

Anywhere in India?

Mr. A. B. SALEM.

Not that I know of. (*Laughter*).

President.—Somebody may explain the Government position.

Mr. K. ACHYUTA MENON.

Sir, it will be inadvisable to support the amendment. On behalf of the Government, I oppose it. Whether such provisions restricting the rights of the subjects exist in other countries I do not know. I am not aware of the existence of such a provision in Germany. The question is whether it is advisable that our State should introduce it, connected as it is with British India and other parts of the British Empire, and Travancore; whether it is advisable for us to adopt this attitude to a section of the people of the State. In my view, it would be dangerous to suggest it. Preference might be given to Cochinites, if not such enterprises will not be allowed to come into existence before the people of Cochin are able to undertake them. On this ground, I oppose the amendment.

President.—Any other member wishing to speak on this amendment?

Mr. T. K. KRISHNA MENON,

I wish to point out one thing more. That is I oppose the amendment on one ground principally. This amendment, I am afraid, will not satisfy the condition for which it is moved. To recall the words of the mover himself, suppose an American company comes to exploit Cochin with money and influence, and then, they form a new company. They can very well get any Cochinite, any poor man, to join them and to apply for a license. In that case, the conditions of this Regulation will be satisfied, and still, the American company will be in no way a loser.

Mr. A. B. SALEM.

The Government does not see to it.

President —Do you wish to reply, Mr. Salem?

Mr. A. B. SALEM.

I do not wish, as I have pointed out long ago what I have to say. Besides, I have no right to reply, under the Standing Orders.

President.—But how did Mr. Puduval claim it yesterday?

Mr. A. B. SALEM.

That was a mistake.

President.—He ought not to have done so. You ought to have risen to a point of order then and there. Under the proviso to Standing Order 23, clause 3, the mover of an amendment has no right of reply, unlike the mover of a resolution.

Do you wish to make any more remarks, Mr. Salem?

Mr. A. B. SALEM.

No. Sir.

President.—Even if I permit, you don't want?

Mr. A. B. SALEM.

No. Sir.

President.—The amendment before the House is that the words "provided he is a domiciled subject of His Highness the Maharaja of Cochin" be added at the end of Section 58, clause 2.

The amendment, when put to the House, was lost.

President.—Now, we shall proceed with the schedule.

Mr. K. S. RAMA AYYAR.

I beg to move an amendment.

President.—What is the amendment you propose?

Mr. K. S. RAMA AYYAR.

I move that the words "clerks and assistants" in line 1 of section ii, sub-section (b) "and them" in line 4 of the same sub-section, "and them" in line 5, "and their," in line 6 be omitted. If the sub-section (b) is passed as it is, there are two dangers. One is that the auditor will leave his work to the clerks and assistants so that there is the danger of the clerks and assistants teasing and harassing the licensee. I know that the auditor may require a clerk or clerks and an assistant or assistants to help him in the work. But there is no necessity to make provisions for their appearance in the statute and to give them any power or privilege.

President.—But, if the clerks and assistants are shut out from doing any sort of work, the work of the auditor will be very heavy. He has the right to examine all the books and documents and to do everything necessary in connection with it.

Mr. K. S. RAMA AYYAR.

The auditor may be given all the powers. His clerks are always there to help him. This power may be vested in the auditor.

Mr. C. ACHYUTA MENON.

It is undesirable to give a legal status to the clerks and assistants to do this work. That is the point.

Mr. K. S. RAMA AYYAR.

The auditor will in any case require the assistance of his clerks and assistants, and they will have to handle books and vouchers, but then, to give them the same power and privilege as the auditor himself as regards the books and vouchers will be too much.

Mr. K. KRISHNA PISHARODI.

But then, if the company does not allow the auditor's clerks access to the books, what is he to do?

Mr. C. ACHYUTA MENON.

The auditor must take charge of the books at his risk.

President.—When a judge goes on inspection, he has to be assisted by his clerks to look to the registers, and the clerks are allowed to do so.

Mr. K. S. RAMA AYYAR.

At the discretion of the judge, the clerks are allowed to look to the registers and other records for the judge's inspection. But is the auditor to allow his clerks to do so? Certainly not.

Mr. C. ACHYUTA MENON.

That is a matter between the auditor and his clerks.

Mr. K. S. RAMA AYYAR.

But the clerks and assistants should not have a legal status to do duty, provided that they are allowed to examine the registers and documents.

Mr. K. ACHYUTA MENON.

Suppose the licensee objects to the examining of the books. If the law allows the auditor alone to examine the books, how is the work to be done? The law allows all that is necessary to carry out what a man has power to do. Why should we leave a

thing to inference? Since the auditor is to audit the books, whatever power is necessary for his audit may be implied in the power granted. But the section, as it stands, is very clear.

President.—There is an amendment proposed. Anybody seconding Mr. Rama Ayyar's amendment?

Mr. C. ACHYUTA MENON.

The auditor can tell the licensee that one of the books is to be examined by the clerks. That is one of the facilities to be given to the auditor.

Mr. K. S. RAMA AYYAR.

Is it desirable to give a legal status to a clerk?

President.—The amendment is not seconded, and therefore, it is lost.

The President then read the number and heading of each of the 17 sections of the schedule and all were agreed to.

Mr. K. ACHYUTA MENON.

I beg to move that the Cochin Electricity Bill be taken up and passed at a subsequent meeting, namely on Friday, the 26th of Vrischigam 1101.

President.—Why not now? Which is that section?

Mr. K. ACHYUTA MENON.

Para 83, page 32 of the *Manual*, Standing Order 42.

"If no amendment be made when a motion that a Bill be taken into consideration has been agreed to by the Council, or if the amendments proposed have been considered by the Council, the member in charge of the Bill, or in his absence, any member may move that the Bill or the Bill as amended, as the case may be, be taken up and passed at a subsequent meeting".

Mr. S. F. NUNEZ.

Be taken up and passed at a subsequent session.

Mr. K. ACHYUTA MENON.

A meeting is different from a session. "Meeting" is one and "session" is another. "Meeting" means, "the meeting of the Legislative Council".

Mr. A. SANKARA PUDUVAL.

We shall be more consistent if we adopt "meeting".

President.—This is a meeting. To-morrow we have a meeting.

Mr. A. SANKARA PUDUVAL.

Meeting is simply a meeting. It may be even in the afternoon. There is no harm. We disperse after the meeting.

The Law Member is perfectly right. The Bill as amended may be taken up and passed at a subsequent meeting.

President.—There are some omissions. The Bill as amended will be taken up and passed at a subsequent meeting.

Mr. K. ACHYUTA MENON.

Yes, Sir.

Mr. T. K. KRISHNA MENON.

Sir, I second it.

President.—The motion before the House is that the Bill as amended be taken up at the meeting of Friday, the 26th of Vrischigam 1101.

The motion was put to votes and carried.

The Cochin Cinematograph Bill.

President.—The next item in the agenda is the introduction of the Cinematograph Bill.

Here you say "The Draft Cinematograph Regulation", though afterwards in the "Electricity Regulation", the same thing arose. You may correct that. It will be consistent.

RAO SAHIB T. V. KASTURI RANGA AYYAR.

The Draft Regulation becomes the Act.

President.—Here also we shall have the "Cochin Cinematograph Bill".

Mr. K. ACHYUTA MENON.

I beg to move that the "Cochin Cinematograph Bill" may be read in the Council.

Mr. T. K. KRISHNA MENON

Sir, I second it.

President.—Anybody wishing to speak on the "Cinematograph Bill"?

Mr. K. ACHYUTA MENON.

Of course, the object of the Bill is, as stated in it, to prevent objectionable films from being exhibited, and another object is the protection of person and property. These were the objects which moved the Government to introduce the Bill. The draft consists of 9 sections. All these are with regard to the licen-